

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 88, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 20-29-4-3, AS ADDED BY P.L.1-2005, SECTION
- 3 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 4 2007]: Sec. 3. **(a)** School employers have the responsibility and
- 5 authority to manage and direct on behalf of the public the operations
- 6 and activities of the school corporation to the full extent authorized by
- 7 law, including but not limited to the following:
- 8 (1) Direct the work of the school employer's employees.
- 9 (2) Establish policy through procedures established in
- 10 IC 20-29-6-4, IC 20-29-6-5, and IC 20-29-6-7.
- 11 (3) Hire, promote, demote, transfer, assign, and retain employees
- 12 through procedures established in IC 20-29-6-4, IC 20-29-6-5,
- 13 and IC 20-29-6-7.
- 14 (4) Suspend or discharge employees in accordance with
- 15 applicable law through procedures established in IC 20-29-6-4,
- 16 IC 20-29-6-5, and IC 20-29-6-7.
- 17 (5) Maintain the efficiency of school operations.
- 18 (6) Relieve employees from duties because of lack of work or
- 19 other legitimate reason through procedures established in
- 20 IC 20-29-6-4, IC 20-29-6-5, and IC 20-29-6-7.
- 21 (7) Take actions necessary to carry out the mission of the public
- 22 schools as provided by law.
- 23 **(b) Notwithstanding an agreement entered into under this**
- 24 **article, a school employer that seeks to hire certificated employees**
- 25 **to fill positions in shortage areas designated by the state board is**
- 26 **not subject to the provisions of the agreement in filling the**

1       positions. A certificated employee hired under this subsection  
2       remains outside the provisions of the agreement during the term of  
3       the certificated employee's employment with the school employer.

4       SECTION 2. [EFFECTIVE JULY 1, 2007] (a) The general  
5       assembly finds that provisions in some collective bargaining  
6       agreements entered into between school corporations and exclusive  
7       representatives of teachers inhibit the ability of school  
8       corporations to fill positions in shortage areas (as determined by  
9       the state board of education), with the result that the ability of  
10      students in the shortage areas to learn is impaired.

11      (b) IC 20-29-4-3(b), as added by this act, applies to a collective  
12      bargaining agreement that is:

13          (1) in effect on July 1, 2007; or

14          (2) entered into or renewed after June 30, 2007.

(Reference is to SB 88 as introduced.)

**and when so amended that said bill be reassigned to the Senate Committee on Pensions and Labor.**

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LONG, Chairperson